

Appl. No. 09/992,617
Amdt. dated 12/03/04
Reply to Office Action dated 09/07/04

REMARKS/ARGUMENTS

These Remarks are in response to the Office Action mailed September 7, 2004. No fee is due for the addition of any new claims.

Claims 1-26 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-7 and 11-25, and objected to claims 8-10 and 26. The present response amends claim 3, leaving for the Examiner's present consideration claims 1-26. Reconsideration of the rejections is respectfully requested.

I. Claim Amendment

Although no objection was raised to Claim 3 on grounds of indefiniteness under 35 U.S.C. § 112, Applicants have amended claim 3 to correct the reference in the last element to refer to "representative image" instead of "representative," thereby making the claim more fully consistent with the specification, and promoting greater definiteness.

II. Claim Rejections Under 35 U.S.C. § 102(e)

As a preliminary matter, the Office Action states on page 2, 1st paragraph that "Claims 1-5, 8, 11-22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Szeliski et al (U.S. Patent 6,636,220 [hereafter, *Szeliski*])." However, the statement that claim 8 is rejected does not appear to be consistent with the Office Action Summary, which does not list claim 8 among the rejected claims. While a discussion appears on pages 2 to 5 of the Office Action setting forth detailed reasons why claims 1-5 and 11-23 are rejected under 35 U.S.C. § 102(e),

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no material appears supporting a rejection of claim 8 under this section. Moreover, the following section, on pages 5-6 of the Office Action, sets forth why claims 6-7 and 24-25 are rejected under 35 U.S.C. § 103(a), again without any discussion as to a basis for rejection of claim 8. Applicants therefore assume and will proceed under the assumption that the Office Action did not intend to include claim 8 among the rejected claims. Applicants further assume that the reference on Office Action page 3, line 5 to "col. 13, lines 92-45" is intended to refer to col. 13, lines 42-45 of *Szeliski*, and respectfully request that the Examiner inform them by telephone at the phone number given below if they are mistaken in one or more of these assumptions.

Claims 1-5 and 11-23 were rejected under 35 U.S.C. §102(e) as being anticipated by *Szeliski*. It is respectfully submitted that *Szeliski* does not anticipate the invention as claimed. *Szeliski* teaches a method for generating a "video texture" which is a continuous sequence of video images. The input is a single video clip instead of a set of video segments as with the currently pending claims. Therefore, *Szeliski* does not offer the user the opportunity to select from among a set of video segments. The video generation in *Szeliski* is automatic and does not offer the potential for user collaboration in or authoring of the video. Claims 6 and 24 were rejected under 35 U.S.C. § 103(a) as being disclosed by *Szeliski* in view of Bhanu et al. (U.S. Patent 5,048,095; hereafter, *Bhanu*). Claims 7 and 25 were rejected under 35 U.S.C. § 103(a) as being disclosed by *Szeliski* in view of Uchihachi et al. (U.S. Patent 6,535,639; hereafter, *Uchihachi*). Applicants respectfully traverse the rejections.

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Claim 1 was rejected as unpatentable over *Szeliski*. Applicants respectfully traverse the rejection. The Office Action suggests that *Szeliski* (Fig. 4) discloses providing a video collage template. However, Figure 4 discloses providing a series of image frames from a video clip (column 8, lines 48-49). *Szeliski* does not disclose providing a video template, let alone providing a video collage template. The Office Action also suggests that *Szeliski* discloses "associating a video segment (video clip) from plurality of video segments with individual video frame of video collage template" (col. 24, lines 9-13). However, col. 24, lines 9-13 disclose "[t]he rendering process associated with a video clip that has been analyzed and synthesized on a regional basis via the independent motion technique includes an additional procedure to create new frames from the extracted regions of the original input video." *Szeliski* does not disclose associating a video segment with a video frame of a video collage template, instead referring to a rendering process associated with a video clip that includes a procedure to create new frames from the extracted regions of the input video.

Finally, the Office Action also suggests that *Szeliski* discloses "producing, i.e., rendering, a video collage from video collage template and associated video segment" (col. 24, lines 17-26). However, col. 24, lines 17-26 disclose details of the frame-by-frame creation of a new synthesized video. *Szeliski* does not disclose associating a video segment with a video frame of a video collage template. Indeed, the cited sections of *Szeliski* do not associate a video segment with anything, although they do mention a rendering process associated with a video clip that includes a procedure to create new frames from the extracted regions of the input video.

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The rendering process disclosed by *Szeliski* is explained in more detail in col. 14, lines 9-19. Following a sequencing phase that generated a new video sequence, the rendering process plays the frames of the input video in the order specified in the sequencing phase, after which procedures for smoothing frame transitions may be included. The rendering therefore has nothing to do with associating a video segment with a video frame of a video collage template, nor does the rendering have any relationship with producing a video collage from a video collage template and an associated video segment. The differences between a video collage template per Applicants' claims and a new video sequence per *Szeliski* are significant. Therefore Applicants respectfully traverse the Office Action's suggestion that *Szeliski* discloses the limitations of claim 1.

The references cited in the Office Action, including *Szeliski*, *Bhanu*, and *Uchihachi*, either singly or in combination, fail to disclose all of the limitations of claim 1. Claims 2-10 each ultimately depend from independent claim 1 and are believed patentable for at least the same reasons as the independent claims and because of additional limitations of these claims.

The Office Action notes that claims 11 (p. 3, line 18) and 19 (p. 4, line 17) are each found to be anticipated by *Szeliski* under analysis similar to the analysis of claim 1. The claim elements in claims 11 and 19 roughly parallel the elements in claim 1. Since the Office Action applies reasoning to support the rejection of claims 11 and 19 which is stated to be similar to the reasons for rejecting claim 1, with no further discussion provided, Applicants respond by incorporating by reference the responses given above with regard to claim 1. Thus the cited sections of *Szeliski* do not disclose all the limitations of claims 11 and 19.

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The references cited in the Office Action, including *Szeliski*, *Bhanu*, and *Uchihachi*, either singly or in combination, fail to disclose all of the limitations of claims 11 and 19. Claims 12-18 and 20-26 each ultimately depend from one of the independent claims discussed above and are believed patentable for at least the same reasons as the independent claims and because of additional limitations of these claims.

Accordingly, claims 1-26 are believed patentable over the cited references and withdrawal of the rejections is respectfully requested.

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IV. Conclusion

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.

In light of the above, it is respectfully submitted that all remaining claims, as amended in the subject patent application, should be allowable, and a Notice of Allowance is requested.

The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of the patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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